

Atty Dkt. No.: 10011370-1
USSN: 10/072,837

REMARKS

Formal Matters

Claims 1-20 and 26-29 are pending.

Claims 1-3, 5, 7-10, 13 and 16-20 and 26-28 were examined and rejected.

Claims 1, 16, 18-20 and 26 are amended. Support for the amendments and the new claims may be found in the specification and claims as originally filed. For example, support for "non-mechanically" may be found in claim 26 and page 23, lines 8-10, and support sequentially depositing a plurality of polymers onto a substrate unsupported by a template, each polymer capable of producing a characteristic electromagnetic emission is found on lines 7-10 of page 32 (in the abstract), claim 5 as originally filed, and lines 21-29 of page 8. No new matter is added.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Claim objection

The Office Action states that claim 16 is objected to for reciting the phrase "wherein wherein".

One of the "whercins" in the phrase in question has been deleted by amendment.

The Applicants respectfully submit that this rejection has been addressed and may be withdrawn.

Rejection under § 102(a) - Natan

Claims 1-3, 5, 7-10, 13, 18-20 are rejected under § 102(a) as being anticipated by Natan (WO01/025002). The Applicants respectfully traverse this rejection.

Without wishing to acquiesce to the correctness of this rejection and solely to expedite prosecution, the claims have been amended to recite sequentially depositing a plurality of polymers *unsupported by a template*, each polymer capable of producing a characteristic electromagnetic emission onto a substrate.

The Applicants respectfully submit that Natan solely teaches methods in which freestanding microbars (termed "nanobars" in Natan's disclosure) are built from the bottom up, as opposed to methods in which a multi-layered substrate is divided to form

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microbars, as required by instant claims. While Natan may state that microbars can be prepared "without a template" or that "nanobar codes that are not produced by some form of deposition or growth with a template...", Natan does not suggest how this can be done.

Accordingly, the Applicants respectfully submit that Natan fails to teach any method in which layers are deposited on a template, unsupported and then divided. This method is simply not taught by Natan's disclosure.

In view of the foregoing discussion, this rejection may be withdrawn.

Rejection under § 102(b) – Ravkin

Claims 1-3, 5, 7-10, 13, 18-20 are rejected under § 102(b) as being anticipated by Ravkin (WO00/63419). The Applicants respectfully traverse this rejection.

Without wishing to acquiesce to the correctness of this rejection and solely to expedite prosecution, the claims have been amended to recite *non-mechanically* dividing a multi-layer structure.

As acknowledged in the first full paragraph on page 12 of the Office Action, Ravkin fails to disclose any method that involves *non-mechanically* dividing a multi-layer structure. Accordingly, Ravkin fails to teach an element of the rejected claims.

The Applicants respectfully submits that this rejection has been adequately addressed by the foregoing discussion. Withdrawal of this rejection is respectfully requested.

Rejection under § 112, first paragraph

Claims 1-3, 5, 7, 13, 16-20 and 26-29 are rejected under 35 U.S.C. § 112, first paragraph, as containing new matter. Specifically, the Office objects to "deletion" of subject matter relating to unsupported templates.

Without wishing to acquiesce to the correctness of this rejection and solely to expedite prosecution, the claims have been amended to recite the phrase "unsupported by a template".

The Applicants respectfully submits that this rejection has been adequately addressed, and may be withdrawn.

Rejection under § 102(e)

Claims 1-3, 5, 7-10, 13, 16-20 and 26-27 are rejected under §

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102(e) as being anticipated by Stonas (2002/0104762). The Applicants respectfully traverse this rejection.

Without wishing to acquiesce to the correctness of this rejection and solely to expedite prosecution, the claims have been amended to recite sequentially depositing a plurality of polymers onto a substrate unsupported by a template, wherein each polymer is capable of producing a characteristic electromagnetic emission.

The Applicants respectfully submit that Stonas fails to disclose such a step and, accordingly, this rejection may be withdrawn.

Rejection under § 102(e) – Lee

Claims 1, 5, 8-9, 13 and 18-19 are rejected under § 102(b) as being anticipated by Lee (4,053,433). The Applicants respectfully traverse this rejection.

Without wishing to acquiesce to the correctness of this rejection and solely to expedite prosecution, the claims have been amended to recite sequentially depositing a plurality of polymers onto a substrate unsupported by a template, each polymer capable of producing a characteristic electromagnetic emission.

The Applicants respectfully submit that Lee fails to disclose such a step. Accordingly, this rejection may be withdrawn.

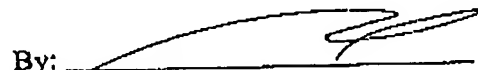
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CONCLUSION

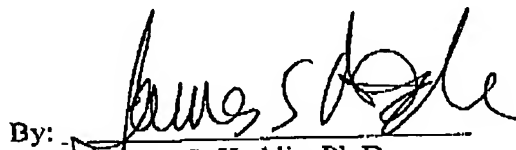
The Applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Timothy Joyce at 650 485 4310. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: 12.20.04

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